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Atorneys for Defendants and Claimant
BARRY COHEN, CHRIS COHEN (aka CHRISTENE COHEN), the F/V POINT LOMA and
Claimant, F/V POINT LOMA Fishing Company, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.,
Plaintiff,
v.
BARRY COHEN, CHRIS COHEN (aka
CHRISTENE COHEN), *in personam* and,
F/V POINT LOMA, Official Number
515298, a 1968 steel-hulled, 126-gross ton,
70.8 foot long fishing vessel, her engines,
tackle, furniture apparel, etc., *in rem*, and
Does 1-10,
Defendants.
)
)
)
No. C-07-2952-WHA
)
**DECLARATION OF GWEN FANGER
IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT OR ALTERNATIVELY,
FOR PARTIAL SUMMARY
JUDGMENT**
)
**Hearing Date: April 10, 2008
Time: 8:00 a.m.
Place: Courtroom 9, 19th Floor**

I, Gwen Fanger, declare as follows:

1. I am an associate in the law firm of Davis Wright Tremaine LLP and our firm serves as counsel to Defendants in this lawsuit. I make this declaration in support of Defendants' Opposition to Plaintiff's Motion for Summary Judgment or Alternatively, Partial Summary Judgment. The facts set forth in this declaration are personally known to me to be true and correct and, if called as a witness, I could and would testify to the following:

2. Attached as Exhibit 1 is a true and correct copy of Plaintiff's Verified Admiralty and Maritime Complaint filed in this case on June 7, 2007.

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1 3. Attached as Exhibit 2 is a true and correct copy of the Amended Order on
2 Plaintiff's Ex Parte Application for Appointment of Substitute Custodian in Lieu of U.S. Marshal
3 dated June 7, 2007.

4 4. Attached as Exhibit 3 is a true and correct copy of the Order Granting Motion to
5 Vacate Order of Arrest dated August 16, 2007.

6 5. Attached as Exhibit 4 is a true and correct copy of the Promissory Note disclosed
7 by Plaintiff and labeled DMSI 0098-0100.

8 6. Attached as Exhibit 5 is a true and correct copy of the First Preferred Mortgage
9 disclosed by Plaintiff and labeled DMSI 0101-0110.

10 7. Attached as Exhibit 6 are true and correct copies of excerpts of the deposition of
11 Barry Cohen taken in this case on January 9, 2008.

12 8. Attached as Exhibit 7 are true and correct copies of excerpts of the deposition of
13 Joe Roggio taken in this case on December 13, 2007.

14 9. Attached as Exhibit 8 are true and correct copies of the checks of payments made
15 by Defendants to Plaintiff disclosed by Defendants and labeled COHEN 0004-8.

16 10. Attached as Exhibit 9 is a true and correct copy of the Assignment of Joint Venture
17 Interest disclosed by Defendants and labeled COHEN 00014-15.

18 11. Attached as Exhibit 10 is a true and correct copy of Defendants First Supplemental
19 Response to Plaintiff's First Set of Interrogatories.

20 12. Attached as Exhibit 11 is a true and correct copy of excerpts of the deposition of
21 David Kobak taken in this case on January 8, 2008.

22 13. Attached as Exhibit 12 is a true and correct copy of Defendants Response to
23 Plaintiff's First Set of Requests for Admissions.

24 14. Attached as Exhibit 13 is a true and correct copy of an email to Barry Cohen, dated
25 9/4/07, disclosed by Defendants and labeled COHEN 00056-57.

26 15. Attached as Exhibit 14 are true and correct copies of settlement sheets from Caito
27 Fisheries, Inc. for fish sales from the F/V Point Loma for trips prior to the arrest disclosed by

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1 Defendants and labeled COHEN 00020, 2225, 28, 33, 36, 39, 41, 43, 47, 51, and 55.

2 16. Attached as Exhibit 15 are true and correct copies of excerpts of the deposition of
3 Joe Cappuccio taken in this case on December 14, 2007.

4 17. Attached as Exhibit 16 is a true and correct copy of Plaintiff's Responses to
5 Defendants' Request for Admissions, Set One, served in this case.

6 18. Attached as Exhibit 17 is a true and correct copy of Plaintiff Del Mar Seafoods,
7 Inc.'s Disclosure of Expert Witness and Exhibits served in this case.

8 19. Attached as Exhibit 18 are true and correct copies of the certificates of insurance on
9 the F/V Point Loma for December 2003 through December 2008.

10 20. Attached as Exhibit 19 is a true and correct copy of Exhibit 7 to the Deposition of
11 Barry Cohen taken in this case on January 9, 2008.

12 21. Attached as Exhibit 20 is a true and correct copy of Defendants' Answer to
13 Verified Admiralty and Maritime Complaint; Verified Counterclaim.

14 22. Attached as Exhibit 21 are true and correct copies of excerpts of the deposition of
15 Christene Cohen taken in this case on January 1, 2008.

16 23. Attached as Exhibit 22 are true and correct copies of excerpts of the deposition of
17 Joe Roggio taken in the case *Cohen v. Port San Luis Harbor District*, CV 040897, on November
18 29, 2005.

19 24. Attached as Exhibit 23 is a true and correct copy of Certificate of Documentation
20 regarding ownership of the F/V POINT LOMA by F/V Point Loma Fishing Company, Inc.
21 disclosed by Defendants and labeled COHEN 00001

22 25. Attached as Exhibit 24 is a true and correct copy of the Declaration of Barry Cohen
23 in Support of Defendants' Motion to Vacate Order of Arrest.

24 26. Attached as Exhibit 25 is a true and correct copy of excerpts of the deposition of
25 Leonard Cohen taken in this case on January 10, 2008.

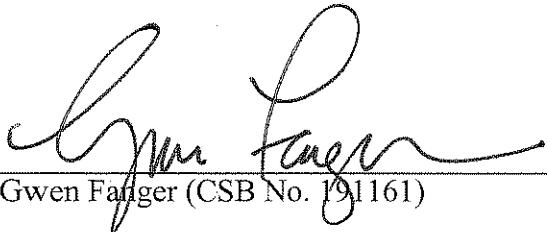
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2 DATED this 13th day of March, 2008.


3 Gwen Fanger (CSB No. 191161)

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5 Attorney for Defendants BARRY COHEN,
6 CHRIS COHEN, F/V POINT LOMA and the
7 F/V POINT LOMA FISHING COMPANY,
8 INC

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